

REMARKS

Claim 26 has been amended. No claims have been cancelled or newly added. Accordingly, claims 1-32 are presently pending. Reconsideration and allowance of the present claims based on the following remarks are respectfully requested.

As a preliminary matter, Applicant thanks the Examiner for the indication of allowable subject matter for claims 1-25, 27-30 and 32.

Entry of the Amendment is proper under 37 C.F.R. §1.116 as the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not present any new issues that would require further consideration and/or search as the amendments merely amplify issues discussed throughout the prosecution; (c) do not present any additional claims without canceling a corresponding number of claims; (d) place the application in better form for appeal, should an appeal be necessary; and (e) were not made earlier because they are made in response to the points first presented in the final Office Action. Entry of the Amendment is thus respectfully requested along with withdrawal of the final Office Action.

Claims 26 and 31¹ were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,191,429 to Suwa ("Suwa"). Applicant traverses this rejection for at least the following reasons.

Applicant submits that the cited portions of Suwa fail at least to disclose an immersion lithographic apparatus, "wherein the apparatus ... is configured to position the mask such that a first portion of said mask is projected during a first scanning motion onto a first portion of the substrate and a second different portion of said mask is projected during a second subsequent scanning motion onto a second portion of the substrate butting or overlapping the first portion of the substrate," as recited in claim 26.

¹ The Office Action identified claims 1 and 31 as being rejected in the statement of the grounds of rejection. See Office Action; pg. 3, ¶ 5. However, the rejection of claim 1 is not discussed in any detail in the Office Action and claim 1 has also been allowed. See Office Action, pg. 4, ¶ 6; see also PTOL-326 form: item 5. Thus, Applicant believes that the Examiner intended to reject claims 26 and 31 only. Indeed, the Office Action only addressed the rejection of claims 26 and 31 in any detail. See *also* PTOL-326 form: item 6 (indicating claims 26 and 31 are rejected).

The Office Action alleges that SAa and SAb correspond to the first and second portions of the substrate and that "... substrate portions SAb and SAa are abutting." See Office Action, pg. 2. Applicant respectfully disagrees. Applicant submits the Office Action has provided no evidence of record or basis in fact showing that the shot areas SAb and SAa are butting. For example, Figure 2 of Suwa (a portion of which is reproduced below) clearly shows gaps ("GAP") between adjacent shot areas of the wafer.

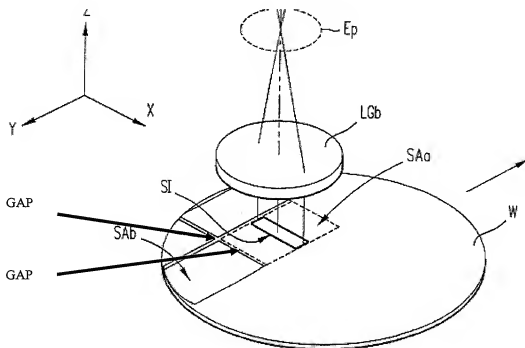


FIG. 2

In contrast, Applicant's claim 26 and specification clearly recite and disclose, respectively, that the two portions are butting or overlapping, not merely adjacent and separated by a conventional gap for dicing the wafer as depicted in Suwa. See, e.g., Applicant's specification, paragraphs [0014] and [0049]. While Applicant submits that the term "abutting" conveys this concept, Applicant has amended the language to "butting" to match the language used in the specification.

Accordingly, it does not follow from the cited portions of Suwa that the shot areas SAa and SAb are necessarily butting or overlapping, as recited in claim 26.

For at least the foregoing reasons, Applicant submits that a case of anticipation has not established and that the cited portions of Suwa do not disclose each and every feature recited by claim 26. Claim 31 depends from claim 26 and is patentable for at least the same reasons provided above related to claim 26, and for the additionally features recited therein. Accordingly, Applicant respectfully requests that the rejection of claims 26 and 31 under 35 U.S.C. § 102(b) over Suwa should be withdrawn and the claims be allowed.

Conclusion

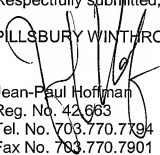
All matters having been addressed and in view of the foregoing, Applicant respectfully requests reconsideration of this application and the immediate allowance of all pending claims.

Applicant's representative remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP


Jean-Paul Hoffman
Reg. No. 42,663
Tel. No. 703.770.7794
Fax No. 703.770.7901

Date: July 9, 2008
P.O. Box 10500
McLean, VA 22102
(703) 770-7900